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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,645	04/04/2001	William Jackson Bushnell	LUC-299/Bushnell 20-1	5465
32205	7590	06/17/2005	EXAMINER	
PATTI & BRILL ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			JUNTIMA, NITTAYA	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,645

Applicant(s)

BUSHNELL ET AL.

Examiner

Nittaya Juntima

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 7, 13, 14, 19, 23, 24 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 8-12, 15-18, 20-22, 25, 26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/4/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 3/7/2005.
2. The objections to the drawings, specification, and claims are withdrawn in view of applicant's amendment.
3. The references as recited on page 1 or 2 of the IDS filed 4/4/2001 has been considered.
4. Claims 3-4, 7, 9, 13-14, 19, 23-24, and 27 have been cancelled as per the applicant's amendment.
5. The indicated allowability of claims 3, 8, 13, 18, 20, 23, 25, and 28 is withdrawn in view of the newly discovered reference(s) to Archer (USPN 6,683,870 B1). Rejections based on the newly cited reference(s) follow.

Claim Objections

6. Claim 5 is objected to because of the following informalities:
 - in claim 5, ll 3, "the second switch" should be changed to "a second switch" to avoid a lack of antecedent basis.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 6, 12, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 6, 12, and 16-17, the limitation “the phone” is vague and indefinite. It cannot be determined from the claim language as to which of the phones, i.e. the first, second, or third, “the phone” referred. Therefore, the claims are vague and indefinite. The office is treating the limitation as “the first phone.”

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2, 5-6, 11-12, 15-17, 21-22, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Archer (USPN 6,683,870 B1).

Regarding claim 1, as shown in Fig. 2, Archer teaches a system, comprising:

A phone (120a) that comprises a connector component (a telephone 120a must comprise a connector component that connects itself to a converter 126 through packet network 130 in order to establish a call with a telephone 114) that is operationally connectable through a packet network (130) to any selected one (a converter 126, col. 5, ll 32-35) or more of a plurality of

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switch components (converters 132a, 132b). See col. 7, ll 51-54, Fig. 5, and col. 8, ll 50-col. 9, ll 61.

Wherein the any selected one (converter 126) or more of the plurality of switch components serve to provide one or more of originating and terminating telecommunication service to the phone (col. 5, ll 32-35, 47-58, col. 8, ll 50-col. 9, ll 9).

Wherein the phone comprises a first phone (a telephone 120a) having a shared call appearance (not defined, reads on simultaneous multicast call to ring all of the telephone numbers at destinations in the called party's list, col. 4, ll 42-51) with a second phone (120b) over a switch component (converter 126) of the plurality of switch components (converters 132a, 132b) and through the packet network (130), wherein the second phone (120b) comprises the shared call appearance with the first phone over the switch component (converter 126) and through a network (136). See col. 8, ll 50-col. 9, ll 61.

Regarding claim 2, Archer teaches that the connector component employs an explicit selection of a particular switch (converter 126, Fig. 2) component of the plurality of switch components (converters 132a, 132b, Fig. 2) to operationally connect the first phone (120a, Fig. 2) through the packet network (130, Fig. 2) to the particular switch component, wherein a user of the first phone inputs the explicit selection (when a user of a telephone 120a answers the call originated by telephone 114, e.g. by picking up the handset, the user must input the explicit selection of a converter 126 using an inherent connector component in order to connect the phone 120a through the packet network 130 to the converter 126 and establish a call with telephone 114, col. 8, ll 50-col. 9, ll 61).

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Regarding claim 5, Archer teaches that the first phone (a telephone 120a) comprises a second shared call appearance (not defined, reads on simultaneous multicast call to ring all of the telephone numbers at destinations in the called party's list, col. 4, ll 42-51) with a third phone (134a, Fig. 2) over a second switch component (not defined, reads on a converter 126, Fig. 2) and through the packet network (130, Fig. 2), wherein the third phone (134a, Fig. 2) comprises the second shared call appearance with the first phone (a telephone 120a) over the second switch component (a converter 126, Fig. 2) and through a network (130, Fig. 2). See col. 8, ll 50-col. 9, ll 61.

Regarding claim 6, Archer teaches that the first phone (a telephone 120a) comprises a connector component (a telephone 120a must comprise a connector component that connects it to a converter 126 in order to establish a call with a telephone 114) that is operationally connectable through the packet network (130) to the any selected one (a converter 126, Fig. 2) or more of the plurality of switch components (converters 132a, 132b) through a respective one (a converter 132a, Fig. 2) or more of a plurality of voice over Internet protocol gateways (converters 132a, 132b). See col. 5, ll 32-36 and 59-62, and col. 8, ll 18-26, and 50-col. 9, ll 61.

Claims 11-12, 15-16, and are method claims corresponding to system claims 1-2, 5-6, and, respectively, and are therefore, rejected under the same reason set forth in the rejection of claims 1-2 and 5, respectively.

Regarding claim 17, it is inherent that the selecting step of selecting the first phone (120a, Fig. 2) to be registrable with a selected one (converter 132a) of a plurality of VoIP gateways (converters 132a, 132b) must be included in order for the first phone (120a) to receive the

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multicast packets from the server 128 when a call is initiated by telephone 114, col. 4, ll 42-51, col. 6, ll 47-col. 7, ll 13.

Claims 21-22, and 25-26 are article claims corresponding to system claims 1-2, and 5-6, respectively, and are therefore, rejected under the same reason set forth in the rejection of claims 1-2 and 5-6, respectively.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8-10, 18, 20, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (USPN 6,683,870 B1).

Regarding claims 8-10, Archer teaches a phone, a connector, a packet network, a selected one of a plurality of switch components as recited in claim 1 (see rejection of claim 1). Further, it is inherent that the phone (120a, Fig. 2) must be registrable with a selected one (converter 132a) of a plurality of VoIP gateways (converters 132a and 132b) in order to receive the multicast packets from the server 128 when a call is initiated by telephone 114, col. 4, ll 42-51, col. 6, ll 47-col. 7, ll 13. Archer further teaches that the plurality of VoIP gateways comprises a first VoIP gateway (120a, Fig. 2) and a second VoIP gateway (120b, Fig. 2), see col. 5, ll 59-62 and col. 8, ll 18-26.

However, Archer fails to teach that the phone is registrable with the first VoIP of a first service provider at a first time and with the second VoIP of a second service provider at a second time.

An official notice is taken that many service providers are providing VoIP services at different rates and qualities to their respective customers who register for the services through their respective VoIP gateways, and that customers usually switch between service providers, e.g. phone providers, to better satisfy their requirements which vary over time.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching Archer such that the phone would be registrable with the first VoIP of a first service provider at a first time and with the second VoIP of a second service provider at a second time. The motivation/suggestion to do so would have been to enable the user to register with a new and different VoIP provider and its gateway that satisfy his new requirements.

Claims 18 and 20 are method claims corresponding to system claims 8 and 10, respectively, and are therefore, rejected under the same reason set forth in the rejection of claims 8 and 10, respectively.

Claims 28-30 are article claims corresponding to system claims 8-10, respectively, and are therefore, rejected under the same reason set forth in the rejection of claims 8-10, respectively.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Murphy (USPN 6,754,224 B1), disclosing a multicast network that multicast call set up request to each of the subscribing endpoints (Figs. 2-4).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima
June 13, 2005



RICKY NGO
PRIMARY EXAMINER

6/13/05